

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

~~FILED~~ ~~ORIGINAL~~

UNITED STATES OF AMERICA,)
)
Plaintiff,) (18 U.S.C. § 2252(a)(2))
) (18 U.S.C. § 2252(a)(4)(B))
v.) (18 U.S.C. § 2252(b)(1))
) (18 U.S.C. § 2252(b)(2))
BRIAN GENE MONTGOMERY,) (18 U.S.C. § 2253(a))
)
Defendant.)

INDICTMENT

CR 11-257 MJD/JSM

THE UNITED STATES GRAND JURY CHARGES THAT:

COUNT 1

(Receipt of Child Pornography)

On or about November 17, 2010, in the State and District of
Minnesota, the defendant,

BRIAN GENE MONTGOMERY,

did knowingly receive visual depictions using a means and facility
of interstate commerce and that had been mailed, shipped and
transported in interstate commerce, by computer, where the
production of such visual depictions involved the use of a minor
engaging in sexually explicit conduct and such depictions were of
such conduct, including, but not limited to, the following computer
image files:

- (1) boyorgy.jpg
- (2) 9516664glL.jpg

all in violation of Title 18, United States Code, Sections
2252(a)(2) and 2252(b)(1).

SCANNED

AUG 19 2011

U.S. DISTRICT COURT ST. PAUL

9

FILED AUG 17 2011

RICHARD A. SUTTER, CLERK

JUDGMENT ENTERED

DEPUTY CLERKS INITIALS

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COUNT 2

(Receipt of Child Pornography)

On or about November 17, 2010, in the State and District of Minnesota, the defendant,

BRIAN GENE MONTGOMERY,

did knowingly receive visual depictions using a means and facility of interstate commerce and that had been mailed, shipped and transported in interstate commerce, by computer, where the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such depictions were of such conduct, including, but not limited to, the following computer image files:

(1) Photo on 2010-07-01 at 15.40 #2.jpg

(2) Photo on 2010-07-01 at 15.40 #5.jpg

(3) Photo on 2010-07-01 at 15.40.jpg

(4) Photo on 2010-07-01 at 15.41 #4.jpg

(5) Photo on 2010-07-01 at 15.41(1).jpg

all in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

COUNT 3

(Receipt of Child Pornography)

On or about November 18, 2010, in the State and District of Minnesota, the defendant,

BRIAN GENE MONTGOMERY,

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did knowingly receive a visual depiction using a means and facility of interstate commerce and that had been mailed, shipped and transported in interstate commerce, by computer, where the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such depiction was of such conduct, including, but not limited to, the following computer video image file:

(1) Movie on 2010-08-08 at 16.23.mov

all in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

COUNT 4

(Distribution of Child Pornography)

On or about February 23, 2011, in the State and District of Minnesota, the defendant,

BRIAN GENE MONTGOMERY,

did knowingly distribute a visual depiction using a means and facility of interstate commerce and that had been mailed, shipped and transported in interstate commerce, by computer, where the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such depiction was of such conduct, including, but not limited to, the following computer image file:

(1) 598-03new-jan.jpg

all in violation of Title 18, United States Code, Sections

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2252(a)(2) and 2252(b)(1).

COUNT 5

(Possession of Child Pornography)

On or about May 4, 2011, in the State and District of Minnesota, the defendant,

BRIAN GENE MONTGOMERY,

did knowingly possess one or more matters which contained visual depictions that had been shipped and transported using a means and facility of interstate commerce, including by computer, and had been mailed, shipped and transported in and affecting interstate commerce, where the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct and such visual depictions were of such conduct, including, but not limited to, the following computer image files:

(1) Knabe 12- Young Boy Pics jesse.jpg

(2) P10100132.jpg

(3) P1010014.jpg

all in violation of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FORFEITURE ALLEGATIONS

Counts 1 through 5 of this Indictment are hereby realleged and incorporated as if fully set forth herein by reference, for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 2253(a).

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As a result of the foregoing offenses, the defendant,

BRIAN GENE MONTGOMERY,

shall forfeit to the United States pursuant to Title 18, United States Code, Section 2253(a), all his right, title and interest in:

(1) any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B or 2260 of Chapter 110 of Title 18, United States Code, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of Chapter 110 of Title 18, United States Code;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property, including an HP Pavilion 8575C Computer with serial number US94456072, an HP Pavilion 4530 Computer with serial number US91721840, and an HP Pavilion 1210 Computer with serial number CNH534127Z.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 2253(b).

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All in violation of Title 18, United States Code, Sections 2252(a)(2), 2252(a)(4)(B), 2252(b)(1), 2252(b)(2), and 2253(a).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON